

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

In Re: Cherlyn A. Williams

Case No. 2:07-bk-58283

Debtor(s)

Chapter 13 Judge Caldwell

**\*2ND AMENDED\***  
**CHAPTER 13 PLAN FILED UNDER BAPCPA**

**Above median income X**

**Below median income \_\_\_\_\_**

The debtor(s) is/are entitled to relief under Chapter 13 of the Bankruptcy Code and propose a plan as follows:

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall pay the Trustee the sum of **\$550.00** per month, not to exceed sixty (60) months. Any step payments shall be found in other provisions. Distributions to begin upon Confirmation pursuant to 11 U.S.C. Sec. 1326(a).
2. From the payments so received, the Trustee shall make disbursements, subject to the Trustee's fee, pursuant to the paragraphs marked below:

**Pre-Confirmation Adequate Protection Payments/Lease Payments**

X The following pre-confirmation adequate protection payments on claims secured by personal property and pre-confirmation lease payments shall be paid by the Trustee to the below listed creditors. Secured creditors must file a proof of claim to receive payment. Payments will be reserved by the Trustee until confirmation and paid after confirmation to these creditors. If the Chapter 13 is dismissed or converted, the Trustee shall pay the reserved payments to the creditors listed below. The Trustee is entitled to receive his fees on these payments.

Creditor	Lease/PMSI	Property Description	Monthly Payment
1. <u>Wells Fargo</u>	<u>PMSI</u>	<u>2005 Chevrolet</u>	<u>\$250.00</u>

X **Administrative Expenses, attorney fees, and priority payments** as required under 11 U.S.C. Sec. 1326(b). The total attorney fee as of the date of the filing of the petition is **\$3,000.00**. The amount of **\$281.00** was paid prior to filing. The balance of **\$2,719.00** shall be paid **\$283.50** per month until paid in full. The debtor's(s') attorney will be paid all allowed fees in full after payment of Class 1 claims and concurrently with Class 2 claims but before Class 3, Class 4, or Class 5 claims.

## **Class 1 Current Mortgage Payments**

Payments on Debtor's(s') home secured by 1<sup>st</sup> mortgage (and subsequent mortgages, if applicable) shall be paid directly by Debtor(s), if in compliance with LBR 3015-1(d);

**Beneficial** 774 Orangeburg  
Columbus, OH

**Third Federal**      **774 Orangeburg**  
**Columbus, OH**

**Class 2** secured creditors and unexpired leases for which the plan designates specific monthly payments. Paid after current monthly payments on Class 1 claims and before post-petition arrearage on Class 1 claims.

All secured creditors in the category shall retain their liens until the earlier of the discharge or payment of the underlying debt determined under non-bankruptcy law. Secured creditors are to be paid 8% rate of interest or the note rate, whichever is lower, on their allowed secured claim, unless otherwise stipulated or noted below.

## **Insurance Information:**

Property Description      Policy No.      Full/Liability      Agent Name & Number

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(a) Claims to which Sec. 506 valuation is NOT applicable. Claims listed in this subsection consist of debts secured by a purchase money security interest in a vehicle for which the debt was incurred within 910 days of filing the bankruptcy petition, or, if the collateral for the debt is any other thing of value, the debt was incurred within 1 year of filing.

(1) X The lien holder is to be paid in full with interest and in equal monthly payments as specified below:

Creditor	Property Description	Purchase Date	Est. Claim Amt.	Interest Rate	Minimum Monthly Payment
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**Wells Fargo      2005 Chevrolet      9/2005      \$24,207.00      8%      \$250.00\***  
**for 10 months, \$530.00 per month for 12 months, \$630.00 per month thereafter.**

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*Any post-petition arrearage that accrues on Class 2 claims shall be treated concurrently with Class 4 claims.*

**NOTE:** If sufficient funds are not available to make a full monthly payment on all the Class 2 claims and attorney fees, the available funds should be distributed to the Class 2 creditors and attorney on a pro rata basis based on the unpaid specific monthly payments due through the month's distribution.

**Class 3 Priority claims listed on Schedule E including Domestic Support Obligations.** Paid after current monthly payments on Class 2 claims and before post-petition arrearage on Class 2 claims. Class 3 claims shall be paid pro-rata and concurrently with Class 4 claims. All claims entitled to priority under Sec. 507(a) shall be paid in full unless the holder of a particular claim agrees to a different treatment of such claim except for a priority claim under Sec. 507(a)(1)(B). It is further provided that any and all pre-petition penalties, and post-petition penalties and interest, which have attached or will be attached to any such claim shall be treated as general unsecured claims and not entitled to priority.

### **Domestic Support Obligations**

None

**Class 4 pre-petition and post-petition mortgage arrearage, pre-petition and post-petition lease arrearage, and other secured claims not otherwise designated.** Class 4 claims shall be paid pro rata, concurrently and in full, with Class 3 claims - **NONE**

### **\*Class 5 General Unsecured Claims**

After payment of allowed claims in Class 1,2,3, and 4, allowed general unsecured claims shall be paid \$7,500.00 or a threshold dividend of 35 %, whichever is greater pursuant to 11 U.S.C. Sec. 1325(a)(4).

### **Additional Provisions - NONE**

#### **Tax Returns**

All tax returns and tax reports due pre-petition have been filed.

       All tax returns and tax reports due as of the date of the petition have not been filed.

Tax Agency	Kind of Tax	Tax Period	Date Return Will Be Filed

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#### **Sale of Assets - NONE**

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Confirmation of the plan vests all of the property of the estate of the Debtor(s) pursuant to Sec. 1327. The bankruptcy estate, including the property vesting the in the Debtor(s) at time of confirmation, shall continue until the case is closed, dismissed or converted, whichever occurs first.

The effective date of the Plan shall be the date of Confirmation of the Plan.

Debtor(s) provide(s) that all of their/his/her projected disposable income to be received in the applicable commitment period beginning on the date that the first payment is due under the Plan will be applied to make payments to unsecured creditors under the Plan.

**Special Provisions, if Any: Rejecting secured claims shall receive a discount factor of 8% per annum.**

**\*Commencing November, 2009 payments under the Plan shall increase to \$825.00 per month.**

**Federally guaranteed student loan obligation(s) shall be paid direct by debtor outside the Plan as same is/are long term debt.**

**Debtor(s) shall be permitted to sell or refinance the residence real estate during the pendency of the Plan following application to Trustee and/or authorization from the Court.**

/s/**Cherlyn A. Williams**

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Petitioner/Debtor

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Petitioner/Debtor

Dated: December 13, 2007

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